

HB 1159

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An act relating to the Tallahassee-Leon County Civic Center Authority; codifying, amending, repealing, and reenacting the authority's special acts; providing for planning, developing, operating, and maintaining a comprehensive complex of civic, governmental, educational, recreational, convention, and entertainment facilities; providing for the method and manner of the election, selection, and terms of membership of the authority; providing powers, functions, privileges, duties, and responsibilities of the authority; providing for the issuance of bonds; providing for the rights and remedies of bondholders; providing for the sources of revenues to the authority; naming the Tallahassee-Leon County Civic Center; requiring the Division of Alcoholic Beverages and Tobacco of the Department of Business and Professional Regulation to issue a beverage license to the authority or its designee; providing severability; repealing chapters 72-605, 77-480, 79-502, and 81-494, Laws of Florida; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Pursuant to section 189.429, Florida Statutes, this act constitutes the codification of all special acts relating to the Tallahassee-Leon County Civic Center Authority. It is the intent of the Legislature to provide a single, comprehensive special act charter for the authority, including all current legislative enactments as herein provided and any additional authority granted by this act and chapter 189, Florida Statutes, as the same may be amended from time to time for the betterment of the citizens of the City of Tallahassee, Leon County, and the university community. It is further the intent of this act to preserve selected authority of the Tallahassee-Leon County Civic Center Authority while providing local authority and management services to Florida State University.

Section 2. Chapters 72-605, 77-480, 79-502, and 81-494, Laws of Florida, relating to the Tallahassee-Leon County Civic Center Authority, are codified, reenacted, amended, and repealed as herein provided.

Section 3. The charter of the Tallahassee-Leon County Civic Center Authority is re-created and reenacted to read:

Section 1. The Tallahassee-Leon County Civic Center Authority, hereinafter referred to as the authority, a local

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46 public agency, politic and corporate, is created for the purpose
47 of planning, developing, operating, and maintaining a
48 comprehensive complex of civic, governmental, educational,
49 recreational, convention, and entertainment facilities for the
50 use and enjoyment of the citizens of Leon County and the state.
51 It is the finding of the Legislature that said purposes are
52 essential public purposes.

53 Section 2. (1) The authority shall consist of a thirteen-
54 member board composed of seven members appointed by the
55 President of Florida State University, one of these appointments
56 shall be elected the chair, two members appointed by the
57 President of Florida Agricultural and Mechanical University, two
58 members appointed by the Mayor of the City of Tallahassee, and
59 two members appointed by the Chair of the Leon County Board of
60 County Commissioners. All members shall be appointed to serve
61 staggered 4-year terms. In order to achieve staggered terms,
62 beginning July 1, 2004, of the initial appointments by the
63 President of Florida State University, three members shall serve
64 2-year terms, and one member appointed by the President of
65 Florida Agricultural and Mechanical University, one member
66 appointed by the mayor, and one member appointed by the Chair of
67 the Leon County Board of County Commissioners shall serve 2-year
68 terms.

69 (2) Upon the death or resignation of any member of the
70 authority, a successor shall be appointed by the appropriate
71 body for the unexpired term. The members shall not be entitled
72 to any compensation for their duties except for actual expenses
73 necessarily incurred in the performance of their duties.

74 (3) Each member shall serve until his or her successor
75 shall be appointed. A majority of the members of the authority
76 shall constitute a quorum. A vacancy in the authority shall not
77 impair the rights of a quorum to exercise all the rights and
78 perform all the duties of the authority.

79 (4) The authority shall elect one of its members as chair
80 subject to subsection (1), one as vice chair, and one as
81 secretary-treasurer.

82 Section 3. The following words and terms are defined as
83 follows:

84 (1) "City" means the City of Tallahassee.

85 (2) "County" means Leon County.

86 (3) "Authority" means the Tallahassee-Leon County Civic
87 Center Authority.

88 (4) "Civic, governmental, educational, recreational,
89 convention, and entertainment facilities" means and includes
90 facilities for all types of civic, governmental, educational,
91 recreational, convention, and entertainment purposes, including,
92 but not limited to, facilities for accommodating conferences,
93 meetings, conventions, citizens' and taxpayers' gatherings,
94 exhibitions, sporting events, dances, shows, plays, games, and

95 like events.

96 (5) "Cost," as applied to any facility, means and includes

97 all expenses as may be necessary or incident to acquisition,

98 construction, or financing.

99 Section 4. The authority is hereby authorized and

100 empowered:

101 (1) To sue and be sued.

102 (2) To contract.

103 (3) To adopt bylaws for the regulation of its affairs and

104 the conduct of its business.

105 (4) To adopt an official seal.

106 (5) To purchase, acquire, develop, construct, improve,

107 relocate, equip, maintain, and operate any auditorium, stadium,

108 coliseum, or other similar facility, including motor vehicle

109 parking therefor, which may be used in conjunction with the

110 facility.

111 (6) To make a comprehensive, long-range master plan for

112 the overall orderly development of a civic center complex, to

113 develop detailed plans for specific facilities within the

114 aforesaid master plan.

115 (7) To acquire by grant, purchase, lease, gift, devise, or

116 condemnation all property, real or personal, or any estate,

117 easement, franchise, or interest therein necessary, desirable,

118 or convenient for the purposes of this act, which land shall be

119 adjacent and contiguous to the civic center complex; to sell,

120 lease, rent, transfer, or otherwise dispose of any property or

121 any part thereof or interest therein; and to exercise all of its

122 powers and authority with respect thereto.

123 (8) To borrow money and issue negotiable bonds, and to

124 provide for the rights of the holders thereof, and to secure the

125 payment of said bonds by a pledge of all or any portion of the

126 revenues and other moneys legally available therefor, and, in

127 general, to provide for the security of the bonds and the rights

128 and remedies of the holders thereof.

129 (9) To fix and collect rates, rentals, fees, and charges

130 for the use of any and all facilities owned by the authority,

131 including, but not limited to, recreational, convention,

132 entertainment, and parking facilities of the authority.

133 (10) To provide through contract or in-house service for

134 the operation of food and beverage, parking, and other

135 concessions relating to the operation of the recreational,

136 convention, and entertainment facilities of the authority.

137 (11) To make and enter into all contracts and agreements

138 and execute all instruments necessary or incidental to the

139 performance of the duties imposed and the execution of the

140 powers granted under this act and to employ such consulting

141 services, engineers, superintendents, managers, construction and

142 financial experts and attorneys, and such employees and agents

143 as may, in the judgment of the authority, be deemed necessary

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144 and fix their compensation.

145 (12) To cooperate with and contract with the government of
146 the United States or the state, or any agency or instrumentality
147 of either thereof, or with any municipality, district, private
148 corporation, copartnership, association, or individual in
149 carrying out the powers granted in this act.

150 (13) To accept gifts of money or property, real or
151 personal, from any individual or the federal, state, county, or
152 municipal government.

153 (14) To provide use of the facility for graduation
154 ceremonies for Florida Agricultural and Mechanical University,
155 Tallahassee Community College, Florida State University, and
156 public high schools in Leon County.

157 (15) The purpose of the Tallahassee-Leon County Civic
158 Center Authority shall continue to be service to the community,
159 community users, including, but not limited to, the university
160 community, civic associations, and other not-for-profit groups
161 within the service district. Furthermore, the city and county
162 shall be assured of the option to locate a community performing
163 arts center at the Tallahassee-Leon County Civic Center complex
164 and shall consult with the authority regarding any location at
165 the complex. A final decision regarding the location of the
166 performing arts center shall be made no later than June 30,
167 2005. Should a community performing arts center be located at
168 the Tallahassee-Leon County Civic Center, the usage shall be
169 governed by the community.

170 (16) The Tallahassee-Leon County Civic Center Authority
171 shall be a local public agency, politic and corporate primarily
172 acting as an instrumentality or agency of the state, pursuant to
173 section 768.28(2), Florida Statutes, for purposes of sovereign
174 immunity.

175 Section 5. (1) The authority is hereby authorized to
176 issue bonds from time to time in such principal amount as in the
177 opinion of the authority shall be necessary to provide
178 sufficient moneys for achieving its lawful purposes. Bonds shall
179 be authorized by resolution of the members of the authority and
180 shall bear such date or dates; mature at such time or times, not
181 to exceed 40 years; bear interest at such rate or rates as shall
182 be determined by the authority; be payable solely from all
183 revenues and income of the authority, including the receipts
184 from lease rentals and appropriations from the United States,
185 the state, or any political subdivision thereof, in such medium
186 of payment and at such place or places; be subject to such terms
187 of redemption; and be entitled to such priorities of lien on the
188 revenues and other available moneys as such resolution may
189 provide. The bonds shall be executed either by manual or
190 facsimile signature by such officers as the authority shall
191 determine. Such bonds shall have the seal of the authority
192 affixed or imprinted thereon. The bonds shall be sold at public

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193 or private sale and upon such terms and conditions as the
194 authority deems in the best public interest.

195 (2) The authority may enter into any deeds of trust,
196 indentures, or other agreements with any bank or trust company
197 within or without the state as security for such bonds and may,
198 under such agreements, assign and pledge all or any of the
199 revenues and other available moneys pursuant to the terms of
200 this act. Such deed of trust, indenture, or other agreement may
201 contain such provisions as are customary in such instrument or
202 as the authority may authorize, including, but not limited to,
203 provisions as to:

204 (a) The pledging of all or any part of the revenues or
205 other moneys lawfully available therefor.

206 (b) The application of funds and the safeguarding of funds
207 on hand or on deposit.

208 (c) The rights and remedies of the trustees and the
209 holders of the bonds.

210 (d) The terms and provisions of the bonds or the
211 resolutions authorizing the issuance of the same.

212 (e) Any other or additional matters of like or different
213 character that in any way may affect the security or protection
214 of the bonds.

215 (3) The bonds issued pursuant to this act are hereby
216 declared to be negotiable instruments and shall have all the
217 qualities and incidents of negotiable instruments under the law
218 merchant and the negotiable instruments law of the state.

219 Section 6. The boundaries of the Tallahassee-Leon County
220 Civic Center Authority shall be coexistent with the boundaries
221 of Leon County.

222 Section 7. The Civic Center facility shall continue to be
223 named the "Donald L. Tucker Civic Center" and referred to as
224 such in all publications, advertisements, notices, and other
225 such documents in recognition of the untiring and unselfish
226 efforts of Donald L. Tucker in his years of service as a
227 representative of the district encompassing Tallahassee and Leon
228 County and in recognition and appreciation of the invaluable
229 service he has provided to his constituency and to the state by
230 his efforts in bringing about the construction of this complex.

231 Section 8. The authority is authorized and directed to
232 erect suitable markers, which shall include a marker over the
233 main entrance of the center, reflecting the name of the civic
234 center as described in section 7. Subsequent facilities located
235 within, on site or the greater complex may be designated for
236 other individuals who are deemed by the authority to have made
237 substantial contribution to the further development of the
238 facility.

239 Section 9. In addition to any licenses that may be issued
240 under the provisions of the beverage law of the state, the
241 Division of Alcoholic Beverages and Tobacco of the Department of

242 Business and Professional Regulation shall issue a special
243 license or special licenses to qualified applicants consisting
244 of the Tallahassee-Leon County Civic Center Authority or its
245 designee for use within the confines of the 20-acre civic center
246 complex located within the City of Tallahassee and known as the
247 Donald L. Tucker Civic Center; however, such license issued
248 pursuant to this act shall only permit the licensee to sell
249 alcoholic beverages for on-premises consumption, or off-premises
250 consumption for events sponsored through the civic center.

251 Section 10. The provisions of this act are severable, and
252 it is the intent of the Legislature to confer the whole or any
253 part of the powers herein provided for. If any of the provisions
254 of this act or any of the powers granted by this act are held
255 unconstitutional by any court of competent jurisdiction, the
256 decision of the court shall not affect or impair any of the
257 remaining provisions of this act or any of the remaining powers
258 granted by this act.

259 Section 4. Chapters 72-605, 77-480, 79-502, and 81-494,
260 Laws of Florida, are repealed.

261 Section 5. This act shall take effect upon becoming a law.

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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